

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

00:00:01

**Call to Order:** By **CHAIRMAN JIM PETERSON**, on January 21, 2005 at  
3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Jim Peterson, Chairman (R)  
Rep. Christopher Harris, Vice Chairman (D)  
Rep. John (Jack) W. Ross, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Dee L. Brown (R)  
Rep. Paul Clark (D)  
Rep. Sue Dickenson (D)  
Rep. George Everett (R)  
Rep. Kevin T. Furey (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Carol Lambert (R)  
Rep. Rick Maedje (R)  
Rep. Veronica Small-Eastman (D)

**Members Excused:** None.

**Members Absent:** Rep. Norma Bixby (D)  
Rep. Gail Gutsche (D)  
Rep. David E. Wanzenried (D)

**Staff Present:** Joe Kolman, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 51, 1/14/2005; HB 251,  
1/14/2005; HB 236, 1/17/2005

**HEARING ON HB 51**

**Opening Statement by Sponsor:**

00:03:00            **REP. ALAN OLSON (R), HD 45**, opened the hearing on  
                     **HB 51**, Redefine cumulative impacts under MEPA.  
**EXHIBIT (nah16a01)**

**Proponents' Testimony:**

00:09:12            Ellen Engstedt, Montana Wood Products Association  
**EXHIBIT (nah16a02)**

00:11:33            *REP. GUTSCHE arrived at hearing.*

00:13:14            Jason Todhunter, Montana Logging Association  
00:14:28            Harmon Ranney, Powder River Gas, LLC  
00:16:00            Don Allen, Western Environmental Trade Association  
00:17:13            Nancy Schlepp, Montana Farm Bureau Association

**Opponents' Testimony:**

00:17:51            Mary Sexton, Director, Department of Natural  
                     Resources & Conservation  
00:19:04            Janet Ellis, Montana Audubon  
00:21:05            Anne Hedges, Montana Environmental Information  
                     Center  
00:23:16            Cody Ferguson, Northern Plains Resource Council

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:25:55            **REP. JOPEK**  
00:30:48            **REP. EVERETT**  
00:33:42            **REP. DICKENSON**  
00:36:22            **REP. FUREY**  
00:39:19            Tommy Butler, Chief Legal Counsel, DNRC  
00:41:15            **REP. FUREY**  
**EXHIBIT (nah16a03)**  
00:43:16            **REP. CLARK**  
00:43:48            *REP. WANZENRIED arrived at hearing.*  
00:48:33            **REP. BROWN**  
00:50:34            **REP. MAEDJE**  
00:50:55            Mike Volesky, Policy Director, Montana Governor's  
                     Office  
00:52:24            **REP. MAEDJE**  
00:55:03            **REP. BARRETT**  
00:57:09            **REP. JOPEK**  
00:58:15            **REP. GUTSCHE**

01:02:04           **CHAIRMAN PETERSON** expresses concern at the absence of and inability to question the Director of the Department of Natural Resources about the department's recent change in policy.

**Closing by Sponsor:**

01:02:33           **REP. ALAN OLSON (R), HD 45**, closed hearing on HB 51.  
01:06:48           **REP. DICKENSON**

**HEARING ON HB 236**

**Opening Statement by Sponsor:**

01:07:09           **REP. VERDELL JACKSON (R), HD 6**, opened the hearing on **HB 236**, Make Clark Fork River Basin Task Force permanent.

**Proponents' Testimony:**

01:09:51           Gerald Mueller, Facilitator, Clark Fork Basin Task Force

**EXHIBIT(nah16a04)**

**EXHIBIT(nah16a05)**

01:16:28           Janet Ellis, Montana Audubon

01:17:03           Marc Spratt, Flathead Conservation District

**EXHIBIT(nah16a06)**

01:21:40           Holly Franz, Water Rights Lawyer

**Opponents' Testimony:** None.

**Informational Testimony:**

01:22:25           Jack Stults, Department of Natural Resources

**Questions from Committee Members and Responses:**

01:23:19           **REP. BARRETT**

01:25:37           **REP. JOPEK**

01:26:50           **REP. CLARK**

01:31:09           **CHAIRMAN PETERSON**

01:35:35           **REP. BARRETT**

**Closing by Sponsor:**

01:37:38           **REP. VERDELL JACKSON (R), HD 6**, closed the hearing on HB 236.

01:37:47           BREAK

01:45:33           RESUME

**HEARING ON HB 251**

**Opening Statement by Sponsor:**

01:47:32        **REP. CHRISTOPHER HARRIS (D), HD 66**, opened the hearing on **HB 251**, Moratorium on permits causing Gallatin River degradation.

**Proponents' Testimony:**

01:53:27        Amy Stix, American Wildlands, Bozeman, Montana  
**EXHIBIT (nah16a07)**

01:59:24        Joe Gutkoski, President, Montana River Action  
**EXHIBIT (nah16a08)**

02:00:00        Tom Anacker, Past President, Gallatin Area Trout Unlimited

02:01:47        Mark Aagenes, Montana Trout Unlimited

02:02:50        Robin Cunningham, Fishing Outfitters of Montana

02:03:31        Scott Bosse, Greater Yellowstone Coalition

**EXHIBIT (nah16a09)**

02:06:28        Rick Meis, Bozeman, Montana Chapter, Sierra Club Headwaters Group

**EXHIBIT (nah16a10)**

02:07:22        Harry Murphy, Madison/Gallatin Trout Unlimited, Realtor from Bozeman

02:08:21        Katherine Dayton, Bozeman resident

02:09:42        Jeff Barber, Montana Environmental Information Center

02:09:56        Rob Ament, Executive Director, American Wildlands

**Opponents' Testimony:**

02:10:57        Mike S. Kakuk, Attorney, Montana Association of Realtors, Montana Contractors Association

02:13:54        **REP. KOOPMAN**, HD 70

02:18:06        **REP. DIANE RICE**, HD 71

02:19:02        Marne Hayes, Executive Director, Big Sky Chamber of Commerce

**EXHIBIT (nah16a11)**

**EXHIBIT (nah16a12)**

02:23:01        Jon Holtzman, Chairman, Blue Water Task Force

**EXHIBIT (nah16a13)**

02:27:38        Stephen R. Brown, Attorney, Garlington, Lohn & Robinson, PLLP, for Yellowstone Mountain Club and Club at Spanish Peaks

**EXHIBIT (nah16a14)**

02:32:31        Martha Johnson, Big Sky Resident

**EXHIBIT (nah16a15)**

**EXHIBIT (nah16a16)**

02:35:00        Brian Gallik, Goetz, Gallik & Baldwin, PC, Bozeman for Simkins Holding

02:38:43        Steve White, Bozeman resident

02:40:40 Carl Schweitzer, Bozeman Chamber of Commerce  
02:41:06 Barbara Ranf, Montana Chamber of Commerce  
02:41:23 Don Allen, Western Environmental Trade Association  
02:41:54 Byron Roberts, Montana Building Industry  
Association

**Informational Testimony:**

02:42:45 Bonnie Lovelace, Montana Department of  
Environmental Quality

**Questions from Committee Members and Responses:**

02:43:13 REP. CLARK  
02:47:32 REP. GUTSCHE  
02:51:30 REP. FUREY  
02:52:07 REP. JOPEK  
02:56:16 REP. DICKENSON  
02:58:09 REP. SMALL-EASTMAN  
02:58:38 REP. ROSS  
03:00:25 REP. FUREY  
03:00:58 REP. GUTSCHE  
03:01:20 CHAIRMAN PETERSON  
03:07:06 REP. HEINERT  
03:07:52 REP. JONES

**Closing by Sponsor:**

03:08:54 REP. CHRISTOPHER HARRIS (D), HD 66 closed hearing  
on HB 251.

**ADJOURNMENT**

Adjournment: 6:20 P.M.

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REP. JIM PETERSON, Chairman

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DEBRA POLHEMUS, Secretary

JP/DP

Additional Exhibits:

**EXHIBIT ([nah16aad0.PDF](#))**